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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,123	10/13/2005	Patrick Achenbach		1493

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Edward J. Smith
1 River Road, 43-219
Schenectady, NY 12345

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,123

Applicant(s)

ACHENBACH, PATRICK

Examiner

Stephen M. Gravini

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamerski (US 3,589,025) in view of Seabury (US 4,745,868). The claimed invention is reasonably and broadly construed in light of the accompanying specification as being disclosed by Hamerski as comprising:

a power generating wind turbine switch cabinet **9**;

at least one wind turbine **69** circuit element coupled to the power-generating wind turbine switch cabinet; and

a drying arrangement adapted to prevent water deposition onto the at least one power-generating wind turbine circuit element, the drying arrangement including an air flow device generating an air flow in a region of the at least one power-generating wind turbine circuit element to counteract the water deposition onto the at least one power-generating wind turbine circuit element at column 4 lines 44-66. Hamerski also discloses the claimed at least one heating device to heat an air in the region of the at least one circuit element as shown in figure 3, cooling and drain elements at column 4 line 62 through column 5 line 4, and moving air past the cooling element at column 5 lines 31-46. Hamerski discloses the claimed invention, except for the claimed power generation wind turbine circuit element. Seabury, another drying arrangement, discloses that claimed feature on the face of that reference. It would have been obvious

to one skilled in the art to combine the teachings of Hamerski with the power generation wind turbine circuit element of Seabury for the purpose of providing an optimum source of energy in an efficient drying process.

Claims 23-25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Schloss (US 4,044,772). The claimed invention is reasonably and broadly construed in light of the accompanying specification as being disclosed by Schloss as comprising:

controlling an operational parameter of a wind turbine by at least power-generating wind turbine one circuit element coupled to a switch cabinet at column 7 line 52 through column 8 line 10; and

generating an airflow in the internal space of the power-generating wind turbine switch cabinet using an air flow generating device to counteract a deposition of condensation water onto the at least one power-generating wind turbine circuit element at column 10 lines 1-60. Schloss also discloses heating an air in a region of the at least one circuit element at column 8 lines 37-46, separating water from the airflow at a cooling element, the cooling element spaced apart from the at least one circuit element, and draining the condensation water out of the switch cabinet by a drain element at column 7 lines 27-40, and generating the airflow, heating the air, and activating the cooling element depending on temperature or humidity within or outside the switch cabinet at column 6 lines 65-68. Schloss discloses the claimed invention, except for the claimed power generation wind turbine circuit element. Seabury, another drying arrangement, discloses that claimed feature on the face of that reference. It would have been obvious to one skilled in the art to combine the teachings of Schloss with the

power generation wind turbine circuit element of Seabury for the purpose of providing an optimum source of energy in an efficient drying process.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski in view of Seabury in view of Roethel (US 1,722,825). Hamerski in view of Seabury discloses the claimed invention as rejected above, except for the claimed cooling element to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element. Roethel, another airflow apparatus discloses a cooling element **28** to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet at page 2 line 15 and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element at page 2 line 15. It would have been obvious to one skilled in the art to provide the teachings of Hamerski in view of Seabury with the cooling element to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element for the purpose of efficient moisture free operation of electrical and mechanical equipment in a switching environment

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski in view of Seabury. Hamerski in view of Seabury discloses the claimed invention as rejected above, except for the claimed Peltier element. It would have been an obvious matter of design choice to one skilled in the art to provide a Peltier element to the heating and/or cooling device since the claimed element would perform regardless of the type of heating and/or cooling element recited.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski in view of Seabury in view of Streed (US 3,332,620). Hamerski in view of Seabury discloses the claimed invention as rejected above, except for the claimed humidity circuit element control device. Streed, another wind apparatus, discloses a humidity circuit element control device at column 3 line 10 through column 4 line 66. It would have been obvious to one skilled in the art to provide a humidity circuit element control device for the purpose of efficient moisture free operation of electrical equipment in a switching environment.

Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss in view of Seabury. Schloss in view of Seabury discloses the claimed invention as rejected above, except for the claimed Peltier element. It would have been an obvious matter of design choice to one skilled in the art to provide a Peltier element to the heating and/or cooling device since the claimed element would perform regardless of the type of heating and/or cooling element recited.

Response to Arguments

Applicant's arguments with respect to claims 13-28 have been considered but are moot on the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/
Primary Examiner, Art Unit 3743